IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.1110 of 2008
VIJAY @ BIJENDRA RAM BANSFORE
Versus
STATE OF BIHAR
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5 25.11.2008 This revision has been preferred against the order dated 29.10.2007 passed by Railway Judicial Magistrate, Patna in G.R.P.S. case No. 177/2005 thereby the petitioner has been convicted under Section 392 of the Indian Penal Code on the basis of confessional statement and has been sentenced to undergo rigorous imprisonment for two years and nine months with fine of Rs.500/- and in default of payment he has to further undergo rigorous imprisonment for two weeks.

Heard learned counsel for both parties.

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Submission of learned counsel for the petitioner is that apart from confessional statement of the petitioner recorded under Section 313 of the Code of Criminal Procedure there was no other material before the court below to convict the petitioner and award heavy punishment.

Considered the submission of learned counsel for the petitioner. Perused the impugned order as well as the first information report. The order is based on confessional statement of the petitioner. The allegation is also very serious and heinous. Robbery has been committed in a running train and several passengers were affected.

Under the circumstances, I am not inclined to interfere in the impugned order of conviction recorded by the court below under Section 392 of the Indian Penal Code. However, it is submitted that

the petitioner has no criminal antecedent. In this view of the matter, the sentence awarded to the petitioner is hereby reduced to the extent of rigorous imprisonment for two and half years without any fine.

With above modification in sentence this application stands dismissed at the stage of admission.

B.Jha **(Ghanshyam Prasad)**

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